



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: Commissioner of Patents and Trademarks
Washington, D.C. 20231

08/348,658

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT | PAPER NUMBER

20

DATE MAILED:

EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

David Fitzgerald (PTO)

Daryl Winter (atty.)

Date of interview: **2 May 1997** Type: ☒ Telephone/fax ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative)

Exhibit shown or demonstration conducted: ☐ Yes ☒ No Attachment(s): ☐ Yes ☒ No

If yes for either, brief description:

Agreement ☐ was reached with respect to some or all of the claims in question ☒ was not reached.

Claims discussed: none particularly

Identification of prior art discussed: n/a

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Mr. Winter wished to get generic guidance concerning the Office's approach under § 112 to claims reciting "a polynucleotide comprising the sequence shown in SEQ ID NO: n." Without reference to the facts of this application, the examiner replied that the quoted language would not be indefinite, since it clearly defined the structural limitations required, and so long as the language had basis in the specification supporting it, it would not raise issues under the description requirement of § 112, first paragraph. With respect to claims Mr. Winter was considering for the present application requiring the noted structural limitation and the requirement that the polynucleotide also encode a protein having a specified biological activity, the examiner indicated that such a claim could raise issues under the enablement requirement of § 112, first paragraph, if undue experimentation would be required to practice the full scope of the claim.

Mr. Winter will submit claims in this case cast in terms of only the noted structural requirement for the Office's consideration.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☒ 1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph below has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1-7 enumerated in M.P.E.P. § 713.04). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

☐ 2. Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections, and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the substance of the interview unless box 1 above is also checked.